

Form To Be Used By Prisoners In Filing A Complaint  
Under The Civil Rights Act, 42 U.S.C. § 1983

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
BURLINGTON

Send On To  
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UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

APR 14 2003 PM '03

CLERK  
BY LW  
DEPUTY CLERK

KELLY K. KENDALL

(Enter above the full name of the Plaintiff or  
Plaintiffs in this action)

vs.

Civil Action No. 1:03 -CV- 117

SHANE HARRIS

Matthew Wilson and Richard Cloud,

ET AL. in their private capacity as well as their official  
capacity  
(Enter above the full name of the Defendant or  
Defendants in this action)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes ( ) No (X)

B. If your answer to A is Yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs:

\_\_\_\_\_  
N // R  
\_\_\_\_\_  
\_\_\_\_\_

Defendants:

\_\_\_\_\_  
N // R  
\_\_\_\_\_  
\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): N/A

3. Docket Number: N/A

4. Name of Judge to whom case was assigned: N/PX

5. Disposition (For Example: Was the case dismissed? Was it appealed? Is it still pending?): N/A

6. Approximate date of filing lawsuit: N/PB

7. Approximate date of disposition: N/PB

## II. CONFINEMENT

A. Present Place of Confinement: NERCF, 1270 US RT. 5 ST. Johnsbury VT. 05819

B. Is there a prisoner grievance procedure in this institution?

Yes  No

C. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes  No

D. If your answer is Yes:

1. What steps did you take? N/A

2. What was the result? N/A

E. If your answer is No, explain why not: Because these incidents happened at chester rd. while I was checking in and I was out of jail and living at home etc

## III. PARTIES

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of Plaintiff: Kelly K. RENDALL

Address: 3526 N. 103 chester VT. 05143

(Home)

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, position, and places of employment of any additional defendants).

B. Defendant: Chester VT. Police Dept. ET AL is employed as  
ITSELF, ALL THE PERSONNEL  
at Chester Vermont 05143

C. Additional Defendants: M. Wilson R. Cloud & 2 persons that is employed as  
entered my home representing the Chester Police on Oct. 4, 2002  
at Chester Police Dept. Chester VT.

#### IV. STATEMENT OF CLAIM

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary).

2 police officers came in my home on Oct. 4<sup>th</sup> 2002, representing the Chester Police dept. They had no search warrant and entered without consent, violating my 4<sup>th</sup> amendment. Also 2 officers issued 4 citations to me on allegations that I was drinking and I was not. I was arrested Oct. 4<sup>th</sup> 2002 and Dec. 21<sup>st</sup> 2002 violating my 4<sup>th</sup> & 5<sup>th</sup> amendment.  
I don't know who the two officers of Chester it was that entered my home Oct. 4<sup>th</sup> 2002, that is why I am suing the entire Chester police dept, ET AL until their names are found out.

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I PRAY the court to grant me relief in the form of Compensation in DAMAGES for mental anguish, mental stress, pain and suffering, punitive DAMAGES, and EXEMPLARY DAMAGES, and any other relief that is due me.

VI. SIGNATURE (original signature must be on filed complaint)

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

x Kelly K Kendall

\_\_\_\_\_  
\_\_\_\_\_  
(Signature of Plaintiff or Plaintiffs)

I/We declare under penalty of perjury that the foregoing is true and correct.

Executed on: \_\_\_\_\_

Signed: x Kelly K Kendall  
\_\_\_\_\_  
\_\_\_\_\_

# Exhibit 1 AFFIDAVIT

Now comes Art Heyning Jr To Be  
CALLED for in The Township of cheSTER  
VERMONT windsor County and Does  
DECLARE and attest To the Following  
FACTS:

- 1) ~~ON~~ ON 10-4-02 I Arthur Heyning was  
sitting on the couch at Kelly Kendall's home at  
Approximately 20:10:23 (the time)
- 2) AT this time two Chester Police OFFicers  
Entered Kelly Kendall's house without permission.
- 3.) I, Arthur Heyning, did not have time to  
Answer the door because they just barged right in  
And Asked me "where is Kelly Kendall?"
- 4.) The two Chester Police OFFicers, on 10-4-02, did not  
have a search warrant or citation or permission  
to Enter. I, Arthur Heyning did not give them  
permission to Enter. Also the Springfield P. D.

I, Arthur Heyning, do solemnly swear that the foregoing  
statements are made freely and voluntarily by me and that I am  
Competent to testify to the matters set forth herein; that the  
foregoing statements are true, correct and complete to the best  
of my abilities; except as to those matters stated on my information  
And as to these I believe them to be true, Sworn and subscribed  
by his direct act of my own hand on this fourth day of the fourth  
month in the year of our lord and savior jesus christ Two thousand and  
three.

Signed Arthur A. Heyning

notarized

Q. O. Epperson  
21/10/07